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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,072

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James M. Doherty

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07/16/2009

IP Authority, LLC

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

07/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ram@ip-authority.com

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Office Action Summary	Application No. 10/604,072	Applicant(s) DOHERTY ET AL.	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 03/31/2009, PROSECUTION IS HEREBY REOPENED. New ground of rejection set forth below. Claims 33-60 are pending.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Objections

2. Claims 1, 4-5, 9 and 16 are objected to because of the following informalities: claims 1, 9 and 16 recite acronyms such as "DHCP, DNS switch, MAC, HTTP GET". These acronyms need to be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee at al. (US PAT # 6,958,992) in view of Watson (US PAT # 7,009,984).

Regarding claim 1, Lee teaches an IP phone (reads on element 102 as shown in Fig. 1) with an assigned phone number (col. 2, lines 28-31) capable of communicating over a packet-based communication protocol, said IP phone 102 comprising: a. DHCP client software, upon an initial power up of said IP phone, to receive an IP address (see col. 2, lines 28-32); b. IP agent software (this reads on the set registration process 204,

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Fig. 2), upon receiving said IP address (col. 2, lines 50), registering with a DNS switch (element 100, see col. 2, lines 28-32) based upon at least the following parameters: said assigned phone number (col. 2, line 55), said received IP address (see col. 2, lines 28-32), and a MAC address associated with said IP phone (see col. 2, lines 55-57); and wherein, upon successful registration with said DNS switch (see col. 2, lines 46-49), said IP agent software receives a port number and address over which future communications are to be performed (col. 3, lines 13-47).

Even though Lee does teach in Figs. 1, 7 and 8A that the IP phone (102) is located behind a network such as LAN (104), Lee does not teach specifically that the IP phone (102) is located behind a firewall. Also, Lee teaches that the registration of the IP phone with the DNS switch is based on the assigned phone number, received IP address and the MAC address. However, Lee does not teach registering the IP phone based on "a public IP address associated with said firewall".

However, Watson teaches in a mechanism for implanting voice over IP telephony ***behind a network firewalls*** a registration module 220 that receives a registration request from station 150 (i.e., IP phone) in order to register with Public Proxy Gatekeeper 120 for VOIP communication (see col. 5, lines 50-54). Watson teaches that the registration of the station 150 would be done based on receiving the MAC address, corresponding telephone number, received IP address and the ***Pubic IP address*** (col. 5, lines 55-57 and ***col. 9, lines 4-12***).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to register an IP phone that is located behind a firewall based on the public IP address information parameter and other parameters, as taught by Watson, into the Lee system in order to provide a high and efficient level of secure communication from the device located behind the firewall and other devices among the network. Also, the use of Public IP address information is considered a method of ***identification for that device*** that can be relied on in order to register that device prior to establishing any communication with other devices.

Claims 4, 9, 12, 16 and 18 are rejected for the same reasons as discussed above with respect to claim 1, respectively.

Regarding claim 2 and 10 recite “An IP phone with an assigned phone number capable of communicating over a packet-based communication protocol, said port number accepts communication requests via any of the following protocols: Session Initiation Protocol (SIP) or Media Gateway Control Protocol (MGCP)”. This limitation is obvious because using any specific protocol would be entirely based on the need and desire. Also, protocols such as SIP and/or MGCP are old and well known in the art.

Claims 3, 11 and 17 recite “said IP phone is additionally associated with a backup phone number whereby communications are forwarded to said backup phone

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number upon any disruptions in communication with said IP phone”. See Lee col. 6, lines 21-26.

Claim 5 recites “said communications between said IP agent and said DNS switch is via the TCP/IP protocol”. The use of TCP/IP protocol is inherent if not obvious in the Lee reference since Lee specifically discloses the use of an Internet as shown in Figs. 1, 7 and 8A of Lee .

For claims 6, 13 and 19, Lee teaches that the set registration process 204 is where each IP phone gets an IP address. Obviously any changes such as assigning a new IP address would be determined by registration process 204 and the OAM 206 (see col. 2, lines 41-64 and col. 3, lines 13-35).

Claims 7, 14 and 20 are rejected for the same reasons as discussed above with respect to claims 6 and 13. The claimed feature of monitoring changes at pre-set intervals is obvious since this can be done automatically by the system with any preset parameters, such as checking the changes every 10 minutes. This also can be set and determined by an administrator.

For claims 8 and 15, see Figs. 1, 7 and 8A of Lee.

Response to Arguments

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4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/
Primary Examiner, Art Unit 2614

/Ahmad F Matar/
Supervisory Patent Examiner, Art Unit 2614